



Leave of Absence Policy

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Approved By	FARR Committee	Status	Statutory
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Details of Policy Updates

Date	Details
April 2024	Section 2a increase of annual leave entitlement by one day
	Section 2e Court Appearance, changed so any reimbursement for loss of earnings is deducted from salary rather than stopping pay
	Section 2k Paternity leave can be taken in one two week block or two separate blocks. 28 days/ 4 weeks' notice needs to be given.
June 2024	Section 2a. Clarification of annual leave for all year round employees Section 2g. Clarification of payment for emergency care leave

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Note

The job title Headteacher is interchangeable with Head of School in all North Star Academy Trust’s Policies

1. Introduction

The term time only work pattern of schools which means that holidays are fixed, and the fact that school staff are employed on two very different conditions of service can, at times, lead to requests for time off during work time.

Although there is no entitlement to take paid leave during work time for teaching and term time only support staff North Star Academy Trust has a Leave of Absence Policy in place to ensure that staff are treated fairly and consistently should they request time off during term time.

The purpose of the Leave of Absence Policy is to provide an over-arching framework for dealing with a variety of leave and absence situations and aims to ensure fair and consistent treatment of employees on such matters.

All entitlements are pro rata for part-time/job-share staff.

2. Authorised Absence

2a. Annual Leave

Support staff: All Year Round

An employee's leave year will commence on 1 September.

For staff who work five days a week, 52 weeks a year the annual leave entitlement is 25 working days per annum, increasing to 30 working days per annum after five years' service

All year-round employees may be expected to take leave in the school holidays, dependant on the requirements of the role and the operational needs of the school / trust.

When leave is taken it must be agreed between the employee and their manager/headteacher in advance. A minimum of 28 days (including public holidays) must be taken in each leave year (pro rata for part-time employees). In exceptional circumstances the manager/headteacher may agree that untaken leave of up to five days (pro rata for part-time employees) may be carried forward to the next leave year. This must be agreed before the end of the employee's leave year and should be taken in the first three months of the following leave year. Payment for untaken annual leave will not be made other than in exceptional circumstances or where employment is terminated (see below).

The annual leave entitlement of an employee leaving the school is proportionate to their completed months of service during the year. Where there is outstanding leave this should be discussed with the manager/headteacher to determine whether it should be taken during the notice period or paid to the employee as a lump sum. Any annual leave taken in

excess of the pro-rata entitlement will be deducted from the employee's final salary payment.

Teachers and term-time only support staff

There is no entitlement to time off in term-time for teachers, or term-time only employees as an element of pay is made to cover their holiday entitlement.

(See Section 2o, Other Leave).

These are conditions of service.

2b. Adoption Leave

Qualifying employees adopting children up to the age of 18 may take up to 52 weeks adoption leave.

Advice can be sought from the school's HR adviser.

2c. Adverse Weather

Employees have a duty to attend work and it is their responsibility to get to work, and on time. Should weather conditions making travel more difficult employees must make reasonable efforts to get to work, but without compromising their safety. If this is not possible then the employee should contact the school office and keep them informed of their progress if they are likely to be absent or late.

Where an employee cannot get to work, with the agreement of the headteacher, the absence will be regarded as:

- unpaid leave (e.g., teachers and term-time only staff); or
- annual leave (support staff who work all year round and have sufficient leave left, or if insufficient leave left can take a day from the next year's leave entitlement); or
- TOIL where it is possible to operate this; or
- working from home where that is a possibility and agreed with the headteacher (all time must be accounted for); or
- exceptionally, if the headteacher is satisfied with the employee's explanation for lateness, and it is possible to organise, it can be agreed that the time can be made up.

In the event of bad weather, starting or continuing throughout the day employees may be permitted to leave early, where this is operationally possible, to ease travel difficulties. Time will be made up at a later date if possible, or pay, leave or TOIL deducted for the time lost.

In cases of extended bad weather, the headteacher may be able to agree for some work to be completed at home providing all time undertaken at home is accounted for in writing.

2d. Compassionate Leave

In the event of the prolonged illness or death of a close member of an employee's family, or other dependent, up to three days' paid leave may be allowed. The leave should be requested of the headteacher, in writing, as soon as is reasonably practicable.

Extensions to the number of days can be granted by the governing body on written request. The governors will confirm their decision in writing stating, whether or not the leave has been granted, the length of leave which has been granted, any review date, and whether or not it will be with or without pay.

2e. Court Appearance

Employees who are called for jury service during normal working hours shall be granted the necessary time off work with full pay in order that they can fulfil their public duty. It is expected, however, that an employee will claim for loss of earnings in order that the trust can be reimbursed accordingly. Employees should follow the process below when called for jury service.

An employee receiving a summons to serve on a jury should provide a copy of the Confirmation of Jury Service letter from the court to HR. Unless exemption is secured, leave will be granted.

Employees have the right not to suffer any detriment in relation to service as a juror. However employees do not have the right to be paid by their employer while on jury service. An employee who serves as a Juror will need to claim the Juror's allowance for loss of earnings. The amount claimed will be deducted from the employee's full pay. The process is as follows:

1. When an employee receives a certificate of loss of earnings from the court they should send this to HR for completion. It will then be returned to the employee.
2. The employee must take the completed form to the court on the first day of jury service.
3. Once jury service has been completed the court will reimburse the employee for loss of earnings. This may not be the same as was on the Loss of Earnings form.
4. The employee needs to notify HR of the amount of the payment made by the Court so that arrangements can be made to deduct this amount from the next months' salary.
- 5.

General information

- Approval of time off: Any employee requiring time off for a court appearance/jury service must seek approval from the Headteacher/Principal prior to the date of leave, providing them with the necessary court citation letter/paperwork.
- Attendance at court not required: If, on any day during the court hearing, the employee's services are not required they shall return to work that day.

2f. Election Duties

Employees undertaking formal election duties for the City Council, in general/by-elections for Bristol City Council, or European elections, will be granted paid leave of absence on the Election Day. A formal letter of appointment from the returning officer must be provided.

2g. Emergency Care Leave

For urgent and unplanned emergencies, employees who have responsibility for children up to the age of 16, or a dependent adult who normally relies on the employee for care, the headteacher may agree up to five days paid leave each leave year (pro rata for part-timers). Paid leave will be granted for the first day of emergency care leave and any following days will be unpaid. This enables carers to make alternative and longer-term care arrangements. Evidence may be required where absences exceed 3 days.

For urgent and unplanned emergencies to deal with other dependents, the headteacher may agree annual leave, TOIL or reasonable unpaid time-off. The headteacher should use their judgment in such cases as to whether or not compassionate leave should apply.

Employees must telephone the school as soon as reasonably practicable on the day of the child/dependent's sickness.

2h. Fertility Treatment

Paid time off for fertility treatment will be granted to both partners (including same sex partners) who are employees of the school, to attend one programme of treatment. Evidence of appointments must be provided.

2i. Impairment Related Leave

This is time off for treatment, rehabilitation or assessment related to an impairment that a disabled employee might have. It is not sickness absence and should not be recorded or treated as such.

It will be mainly for one-off instances, but an employee may have a series of treatments. Generally, absence will be short-term, usually of one day. Examples may include hospital check-up or hospital treatment as an outpatient.

The number and frequency of sessions taken as paid time off should be agreed in advance. If the sessions are ongoing or very frequent, it may be appropriate for manager to discuss what is reasonable in the circumstances and how the leave should be taken.

This type of absence will not require self-certificates/fit notes, but an employee should provide evidence of appointments.

2j. Maternity Leave

All pregnant employees are entitled to take up to 52 weeks' statutory maternity leave. Any pregnant employee should inform the headteacher as soon as possible.

Advice can be sought from the school's HR adviser.

2k. Maternity Support Leave including Paternity/Partner Support Leave and Adoption Partner/Support Leave

Paternity Leave

Eligible partners or fathers are entitled to 10 days ordinary paternity/partner's leave at the birth or adoption of a child.

The first six working days are paid at full basic pay. The next four working days will be unpaid for most employees (unless there is a qualification for paternity pay for these days). The leave may be taken as one block or split into two blocks of one week at any point in the first year after the birth or adoption of a child. The notice required for each period of leave is 28 days or 4 weeks.

Advice can be sought from the school's HR adviser.

Maternity Support Leave

Support staff conditions of service give five days' paid leave to the child's father, partner or nominated carer of an expectant mother at or around the time of the birth (a nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to her at, or around, the time of birth). This has to be applied.

2l. Medical Appointments

Routine appointments e.g., dentist/doctor

Such appointments should, wherever possible, be made outside of the employee's working hours. Where an employee wishes to be released from work during their normal working day to attend a routine appointment this should be discussed with the manager/headteacher and an agreement reached about making up the necessary hours.

Medical screening

Time off shall be granted to employees for the purposes of health screening, e.g., routine NHS screening (breast examination etc.) but staff are expected to book appointments which will minimise the disruption to the school day.

Antenatal care

All pregnant employees are entitled to time off with pay to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. This may include relaxation and parentcraft classes.

Hospital appointments

Employees will be allowed reasonable paid time off for non-routine appointments for treatment or diagnostic purposes, whether at a hospital, clinic or the doctor's surgery (the list is not exhaustive).

Treatment may include minor surgery, the definition depending on the nature of the procedure and the anticipated recovery time. This does not include visits to doctors.

If the treatment is extensive or frequent, the employee and the manager will discuss and agree a mixture of paid/unpaid time off. Wherever possible, appointments should be made at the beginning/end of the day or shift or at lunchtime.

It is acknowledged that there will be grey areas and the manager/headteacher should exercise their discretion within the broad framework.

The employee should give as much notice as possible of the requested time off, and provide confirmation of the appointment, such as an appointment card.

2m. Moving House

There is no entitlement to time off to move to a new house. Teachers / term-time only staff may apply for unpaid leave. If a school grants unpaid leave this should be time limited e.g. one day

2n. Other leave (Including leave during the school term for teachers and term-time only support staff)

Time off in the school term will be granted only in exceptional circumstances. Requests for time off during school terms, of up to three days, should be made in writing to the headteacher. Requests of more than three days should be made, in writing, to the chair of governors. Requests to the chair of governors must be made at least three months in advance of the proposed leave, and longer if the leave is for more than one month. The request should explain why the leave is needed.

A reply will be given in writing, and if the leave is agreed it will detail the terms and conditions of that leave including whether it will be paid or unpaid.

As extended leave without pay constitutes a temporary alteration to the contract of employment a formal agreement must be drawn up (this could be in the form of a letter) and must be signed by the employee and the manager.

Teachers and support staff who work term-time only are not entitled to paid time off in school terms. There may be occasions when an employee may need to request time off and there should be a process for requests to be considered fairly and consistently. All year-round employees can take time off from their leave entitlement at any time, but some have contracts which provide for them to take their leave in the holidays. In considering requests the reason, length, cover arrangements, costs that will be incurred and the needs of the service must be considered.

It is advised that all requests are put in writing and that a written response is given so that all parties are clear of what has been agreed, why, for how long, any review arrangements and that if the leave is agreed that it is not with pay.

2o. Parental Leave

Eligible employees can take parental leave to look after a child's welfare. It is available for each child up to their 18th birthday. Up to 18 weeks can be taken for each child (born or adopted).

The leave is unpaid.

Advice is available from the school's HR adviser.

2p. Public Duties

Staff who are elected to undertake public duties must write to the headteacher informing him/her of their election, and request time off to carry out these duties. Once authorised by the headteacher time off will be as follows:

Duty	Paid leave entitlement	Unpaid Leave entitlement
Justices of the peace or elected members of local authorities	2 days per month	2 days per month
Tribunals, or educational governing bodies, or board of visitors for prisons, remand centres or young offenders institutions	1 day per month	1 day per month
Chairs of Governors	2 days per month	1 day per month
Employee standing as an election candidate	1 day per election	
Voluntary work in Bristol	1 day per year	

When deciding how much time to agree considerations could include for example, the costs of covering the employee in their absence, continuity of service delivery, the fact that once it is agreed it must be applied to all employees; and the wish to be seen to support employees in undertaking such duties e.g., as a school governor.

2q. Redundancy

Employees who have been selected for redundancy or are under notice of termination due to redundancy of their posts, will be allowed time off with pay for job seeking.

2r. Religious Festivals

Where employees wish to have time off to participate in religious festivals requests should be made in writing to the headteacher. Reasonable notice should be given.

Consideration will be given as to whether the leave is paid or unpaid. The length of any absence should also be considered, and where appropriate time limited.

2s. Sickness Absence

Employees with an annual leave entitlement may be able to carry forward some of their untaken leave, where they were unable to take it due to sickness absence.

2t. Sport- International Representation

An employee who has been selected to represent his/her country in a recognised sporting activity should apply for leave of absence to the chair of governors, at least six weeks before the date of absence.

In the event of any employee receiving remuneration as a result of participation in an international sporting activity, this must be declared to the school's governing body.

2u. Suspended Employees – Annual Leave

Support staff employees working all year round only

An employee may take annual leave whilst suspended from work. If the annual leave entitlement concludes during the period of suspension any outstanding leave cannot be carried forward.

2v. Territorial and Auxiliary Forces

Teachers and term-time only staff should attend camp in the school holidays. All year-round staff should request unpaid leave, in writing, from the headteacher (for up to five days), or chair of governors (for more than five days) to attend camp in the summer holidays. The manager/headteacher may refuse time off if the notice provided is insufficient and/or service requirements dictate.

Paid leave may also be granted where there is a requirement to undertake training in addition to summer camps, but only where it is proved impossible to arrange such training on days when the person would not normally be working.

There is no legal entitlement to additional paid leave for going to TA camp (TA volunteers do get paid by the army for going). Unpaid leave can be granted. As the camp is usually held in the summer it should coincide with the summer holidays, so should only affect all year-round staff.

2w. Training, Examinations & Studying

Half a day's revision time per final exam will be granted prior to sitting a recognised relevant examination.

North Star Academy Trust allows for paid leave for attending any training course or examination relevant to their job and approved by the manager. Managers may use their discretion to approve paid study leave.

3. Unauthorised Absence

3a. Legal Custody/Imprisonment

If an employee is detained in legal custody or imprisoned, a decision will be made by the headteacher/chair of governors as to whether the employee will be granted a period of unpaid leave of absence. The decision will be based on: -

- the length of the sentence.

- the job done by the employee.
- his/her length of service.
- the circumstances underlying the reasons for the sentence.

An employee will not necessarily be dismissed because of his/her conviction for a criminal offence, but the employee's position will be considered on its merits. An acquittal of criminal charge may not of itself preclude disciplinary action should such action otherwise be appropriate.

A long-term sentence can be grounds for dismissal for frustration of contract (Following the procedure for the termination on the grounds of Some Other Substantial Reason).

3b. Unexplained/Uncertified Absence

As soon as it becomes clear that an employee is absent without an acceptable explanation or medical certificate, the headteacher/manager should write to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory explanation has been received. It should remind the employee of his/her obligations and say he/she will not be paid beyond the last date at which he/she was either present at work or absent with an explanation. Ask the employee to reply by return of post. The letter should also invite the employee to a meeting and give the date and time.

If, within a week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by recorded delivery. It should refer to the earlier letter, state the lack of response and explain that unless the employee returns by a specified date (e.g., a week later) or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened. The letter should state that if the employee fails to attend the hearing on the date and time provided, this will result in a decision being considered in their absence, which is likely to result in dismissal for breach of contract of employment.

If there has been no acceptable response by the specified date, the headteacher should invite the employee to a hearing where the employee's dismissal is considered. The letter should state that if the employee does not attend the hearing (or send a written statement or have a trade union /work colleague represent them) a decision may be taken in his/her absence.

Should the employee be dismissed at the hearing, irrespective of whether s/he attended the hearing, s/he has a right of appeal to governors. The employee should be informed of this in writing.

Employees returning to work within the above time periods, who are unable to give satisfactory reasons for their absence will be subject to disciplinary action in accordance with the disciplinary procedure and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary for failing to follow the school's sickness reporting procedure.

4. Associated Policies

- NSAT Teachers Maternity and Adoption Scheme
- NSAT Support Staff Maternity, Paternity and Adoption Policy
- NSAT Managing Sickness and Supporting Attendance Policy